

REMARKS

Claims 1, 2 and 26-32 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Rejection under 35 U.S.C. § 103(a) in view of U.S. Patent no. 4,629,144 to Schoettle (“Schoettle”) and U.S. Patent No. 4,986,491 to Gelardi et al. (“Gelardi”).

The Examiner has rejected claims 1, 2 and 27-32 under 35 U.S.C. § 103(a) in view of Schoettle and Gelardi.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a U-shaped insertion anchor portion having a support piece portion and an open piece portion. The support piece portion directly contacts an inner surface of the upper half of a cartridge case body, and the open piece portion is recited as being parallel to the support piece portion.

The Examiner maintains that the bent portions 2a, 2b of Schoettle disclose the claimed U-shaped insertion anchor portion. By virtue of the language recited in claim 1, the claimed support piece portion would have to be the portion of 2a, 2b that is between the housing 4 and the edge portion of the window 5 (see portion “A” in Applicant’s attached annotated figures of Schoettle), since portion “A” directly contacts the inner surface of housing 4. Also, the open piece portion would have to be the portion of 2a, 2b that is opposite to the alleged support piece

portion since it must be parallel thereto (see portion “B” in the attached annotated figures of Schoettle).

Based on the portions A and B of Schoettle, Applicant submits that Schoettle fails to teach or suggest every feature recited in claim 1. For example, claim 1 recites that the elastic tongue portion directly extends from an end of the support piece portion. As shown in the annotated figures of Schoettle, the tongue 15 directly extends from an end of the alleged open piece portion B, not from an end of the alleged support piece portion A.

Claim 1 also recites that the elastic tongue portion is inclined to a side of the open piece portion. On the contrary, as shown in the annotated figures of Schoettle, the tongue 15 is actually inclined away from *both* portions A and B. Also, by virtue of the fact that the tongue 15 of Schoettle directly extends from the alleged open piece portion B, rather than from the alleged support piece portion A, it therefore cannot incline to a side of the alleged open piece portion B. On page 6 of the current Office Action, the Examiner maintains that the tongue 15 of Schoettle is inclined toward annotated portions A and B. However, such is clearly not the case when viewing the figures of Schoettle. In this regard, Applicant refers the Examiner to at least the non-limiting embodiment of Figure 11 of the present invention.

In addition, claim 1 recites that the presser spring anchor portion has an implanted portion implanted in an inner surface of the upper half so as to project from the inner surface of the upper half and an overhanging portion overhanging the inner surface by projecting from a distal end portion of the implanted portion so as to be parallel with the inner surface.

The Examiner maintains that the gap 8 in Figure 2 of Schoettle and the corresponding gap of Figure 3 of Schoettle disclose the claimed presser spring anchor portion (pg. 2 of Office Action). Applicant respectfully traverses this assertion. For example, assuming *arguendo* that the outer edge portion of element 8 of Schoettle discloses the claimed implanted portion that projects from the inner surface of the upper half 4, Applicant submits that there is no additional overhanging portion that projects from a distal end of the alleged implanted portion and is parallel to the inner surface, as recited in claim 1.

Since the Gelardi reference fails to cure the above deficient teachings of Schoettle, Applicant submits that even if combined, the references fail to teach or suggest the features of claim 1.

B. Claims 2, 27 and 32

Since claims 2, 27 and 32 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 28

Since claim 28 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency. In addition, as set forth in the December 16, 2005 Amendment, claim 28 recites that the reel presser spring has a convex portion on the open piece portion. Assuming *arguendo* that portion B of the annotated figures of Schoettle discloses the

claimed open piece portion, there is no convex portion formed thereon. Rather, the only convex portion is the rivet 9 (Fig. 3). However, rivet 9 is formed from, and extends from, the housing 4, and thus, does not teach or suggest the features of claim 28. Since Gelardi fails to cure this deficient teaching of Schoettle, Applicant submits that claim 28 is patentable.

D. Claim 29

Since claim 29 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

In addition, claim 29 recites that the presser spring anchor portion has an anchor hole. In the December 16, 2005 Amendment, Applicant noted that the only hole shown in Schoettle is aperture 10 (Fig. 1). Aperture 10 is formed on the pressure spring 1 itself. The aperture 10 is not formed on any portion of the window 5 or the housing 4, which the Examiner alleges as disclosing the claimed presser spring anchor portion.

In the current Office Action, the Examiner attempts to maintain that the window 5 forms a hole, that a hole is formed by the window 5 and the case 4 or that a hole is formed in a corner of the window 5 (pgs 6 and 7 of Office Action). Claim 29 specifically recites that the presser spring anchor portion *has* an anchor hole, not that the presser spring anchor portion *forms* a hole. Further, the corner portion of window 5 in Figure 3 of Schoettle merely shows recesses in the window 5. Applicant respectfully requests the Examiner to set forth the type of definition that is

being given to the ordinary term “hole,” such that the Examiner is construing the recesses of Schoettle as disclosing a hole.

E. Claims 30 and 31

Since claims 30 and 31 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

In addition, Applicant submits that claims 30 and 31 are patentable for at least analogous reasons as claims 28 and 29.

II. Rejection under 35 U.S.C. § 103(a) in view of Schoettle, Gelardi and U.S. Patent No. 4,408,733 to Ooishi et al. (“Ooishi”).

The Examiner has rejected claim 26 under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of Schoettle, Gelardi and Ooishi. However, since Ooishi fails to cure the deficient teachings of Schoettle and Gelardi, in regard to claim 1, Applicant submits that claim 26 is patentable at least by virtue of its dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/082,136

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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